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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,773	02/28/2002	Ronald S. Conti	6395-62424	8961

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EXAMINER

NEILS, PEGGY A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,773

Applicant(s)

CONTI ET AL. 

Examiner

Peggy A. Neils

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10, 14, 17-20, 22, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein.

Klein shows a lighted line which includes an electroluminescent light source 16, a flexible cable 18, an elongate flexible tubing 20, and a cord 22. Figure 2 shows the components extending along each other but the disclosure states that elements 16, 18 and 22 maybe selectively fastened together for example twisted or wrapped around each other. Cable 18 is disclosed as being made from steel or some other flexible material. To have this material be a rope would be a matter of design choice. As shown in Figure 1, the power source is a battery pack and a connector 26 is provided at one end. Klein provides for many uses for his lighting device. To have something with more than one connector/clasp would be an obvious design consideration depending on the intended use for the device.

3. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein as applied to claims 1 and 17 above, and further in view of de Haas et al.

De Haas et al teaches that it is known in the art to have an electroluminescent lighting device which could be a belt worn by someone which has a battery operated power source with an

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inverter. It would have been obvious to one skilled in the art that Klein could be modified to include an inverter in the electrical connection for the lighting device in the same manner as taught by de Haas et al because both references are directed to similarly structured lighting arrangements using an electroluminescent light source.

4. Claims 11-13 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein as applied to claims 1 and 17 above, and further in view of Chien.

Chien teaches that it is known in the art to have an electroluminescent lighting device which includes color changing characteristics and includes multiple units connected in series (see column 7, lines 6-17). It would have been obvious to one skilled in the art that Klein could be modified to include multiple lighting units with varying characteristics in the same manner as taught by Chien because both references are directed to electroluminescent lighting arrangements.

5. Claims 15, 16, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein as applied to claims 14 and 17 above, and further in view of Amacker.

Klein shows an illuminated harness device for an animal with a single clip and also shows other harness type arrangements for humans. Amacker teaches that it is known in the art to have a safety harness which includes a sliding type clip 40 in Figure 1. It would be obvious to one skilled in the art that Klein could be modified to include a sliding clip in the same manner as taught by Amacker because both references are directed to a safety harness device.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kilos and Chien et al. Are cited of interest.
7. Any questions regarding this Office action should be directed to Examiner Neils at (703) 308-6554.



**Y. MY QUACH-LEE
PRIMARY EXAMINER**